

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

Criminal No. 2:96-00102

GEORGE WINFRED WOODSON

MEMORANDUM OPINION AND ORDER

The court having received the proposed findings and recommendation of the United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B); and having reviewed the record in this proceeding; and there being no objections filed by either the United States or the movant to the proposed findings and recommendation; and it appearing proper so to do, it is ORDERED that the findings and conclusions made in the proposed findings and recommendation of the magistrate judge be, and they hereby are, adopted by the court.

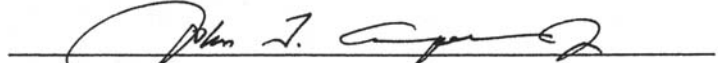
It is, accordingly, ORDERED that the movant's letter-form request for post-conviction relief under Blakely v. Washinton be, and it hereby is, denied.

Pursuant to Federal Rule of Appellate Procedure 4(b)(1)(A)(i), movant shall have 14 days after the date of entry of this decree in which to appeal. The failure within that period to file with the Clerk of this court a notice of appeal of

this memorandum opinion and order will render the Judgment and the memorandum opinion and order final and unappealable.¹

The Clerk is directed to forward copies of this order to the movant, all counsel of record, and the magistrate judge.

DATED: May 24, 2010


John T. Copenhaver, Jr.
United States District Judge

¹On March 3, 1999, the court entered its Judgment denying defendant relief under 28 U.S.C. § 2255. On September 23, 1999, the court of appeals dismissed defendant's appeal of the Judgment. Inasmuch as the court has not recharacterized the instant letter-form request as a successive motion for relief under section 2255, it deems the shorter appellate filing period applicable rather than the lengthier one stated in Federal Rule of Appellate Procedure 4(a)(1)(B). Further, in view of the absence of recharacterization, the court does not deem it necessary to address the necessity of a certificate of appealability under the Rules Governing Section 2255 Proceedings.